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 LINES INSURANCE COMPANY

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO

SIERRA BAY CONTRACTORS, INC.,
 A California Corporation,

Plaintiff,

vs.

WESTCHESTER SURPLUS LINES
 INSURANCE COMPANY, a Georgia
 corporation, and DOES 1 through 50,
 inclusive,

Defendants.

CASE NO.: 3:10-cv-04611-RS

~~PROPOSED~~ ORDER GRANTING
 DEFENDANT, WESTCHESTER SURPLUS
 LINES INSURANCE COMPANY, LEAVE
 TO FILE A THIRD-PARTY COMPLAINT

Judge: Honorable Richard Seeborg

Counsel for Defendant, Westchester Surplus Lines Insurance Company

("WESTCHESTER"), submitted to this Court the "Stipulated Request That Defendant,
 Westchester Surplus Lines Insurance Company, Be Granted Leave To File A Third-Party
 Complaint Pursuant to F.R.C.P. 14" (the "Stipulated Request").

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As set forth in the Stipulated Request, it is plaintiff, Sierra Bay Contractors, Inc.'s ("SIERRA BAY"), contention in this action that WESTCHESTER has a duty to defend and indemnify SIERRA BAY against the claims and demands being asserted against SIERRA BAY in two ongoing underlying actions (the "Underlying Actions"). Furthermore, it is WESTCHESTER's contention that certain insurance carriers have a duty to defend SIERRA BAY in the Underlying Actions as their additional insured. More specifically, it is WESTCHESTER's contention that each said insurance carrier is or may be liable to WESTCHESTER for all or part of SIERRA BAY's claims against WESTCHESTER in this action.

WESTCHESTER now seeks leave to file the "Westchester Surplus Lines Insurance Company's Third-Party Complaint For: (1) Declaratory Relief; (2) Equitable Contribution; and (3) Equitable Subrogation" (the "WESTCHESTER Third-Party Complaint") pursuant to Federal Rule of Civil Procedure 14 as to those insurance carriers whom WESTCHESTER contends have a duty to defend SIERRA BAY in the Underlying Actions as their additional insured.

After consideration of the Stipulated Request and the proposed WESTCHESTER Third-Party Complaint attached as exhibit "A" thereto, the Court orders as follows:

WESTCHESTER is hereby granted leave pursuant to Federal Rule of Civil Procedure 14 to file the "Westchester Surplus Lines Insurance Company's Third-Party Complaint For: (1) Declaratory Relief; (2) Equitable Contribution; and (3) Equitable Subrogation" attached as exhibit "A" to the Stipulated Request.

IT IS SO ORDERED.

Date: 3/21, 2011

By:



HONORABLE RICHARD SEEBORG
United States Judge
United States District Court, Northern
District of California